

PLANNING COMMISSION MINUTES

May 10, 2000

CALL TO ORDER:

Chairman Dan Maks called the meeting to order at 7:03 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Dan Maks, Planning Commissioners Bob Barnard, Betty Bode, Sharon Dunham, Chuck Heckman, Eric Johansen and Vlad Voytilla.

Senior Planner John Osterberg and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Dan Maks, who presented the format for the meeting.

VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There was no response.

OLD BUSINESS:

PUBLIC HEARING:

Chairman Maks opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

NEW BUSINESS:

A. CUP 2000-0008 – FOUNTAIN COURT CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT (CUP/PUD)

The following land use application for a CUP/PUD has been submitted for a 97-unit multi-family subdivision development located west of SW Springbrook Avenue on SW Barrows Road, including proposed multi-family units, sidewalks,

streets, common open space and associated landscaping. Developments greater than five acres in the TC-MDR zone require the completion of a CUP/PUD. The development proposal is located on property identified by Washington County Assessor's Map 1S1-33CC, on Tax Lots 100 and 200. Tax Lot 100 is zoned Town Center – High Density Residential (TC-HDR), and Tax Lot 200 is zoned Town Center – Medium Density Residential (TC-MDR). The Planning Commission, during a public hearing, will review the PUD through the CUP 2000-0008 application.

Chairman Maks observed that there had been a request for a continuance of the Public Hearing on this application for an indefinite period of time. Senior Planner John Osterberg informed Mr. Maks that the applicant had requested an indefinite continuance with no specific date selected.

Chairman Maks noted that the application includes both a Conditional Use Permit and a Planned Unit Development, and Mr. Osterberg informed him that CUP 2000-0008 includes both the CUP and the PUD.

Commissioner Heckman questioned this request for an indefinite continuance and Mr. Osterberg clarified that while he has no specific information, there is some issue that the applicant needs to resolve with staff and it has not yet been determined how quickly this can be done.

Commissioner Heckman **MOVED** and Commissioner Dunham **SECONDED** a motion that CUP 2000-0008 – Fountain Court Conditional Use Permit/Planned Unit Development (CUP/PUD) be continued to an indefinite time.

On question, Mr. Osterberg assured Chairman Maks that the applicant had waived the 120-day requirement.

Motion **CARRIED** unanimously, with the exception of Commissioner Bode, who just arrived and did not participate in this issue.

B. BEARD COURT

The following land use applications have been submitted for a 60-unit single family detached, Planned Unit Development, proposed to be located east of SW 155th Avenue and north of SW Beard Road. The zone change and development proposal is located on property identified by the Washington County Assessor's Map 1S1-29DB, on Tax Lot's 101, 300, 400, and 500, and is zoned Neighborhood Service Center (NS).

1. RZ 2000-0001: BEARD COURT REZONE:

The applicant requests approval of a Rezone (RZ) to change the City's zoning designation from Neighborhood Service Center (NS) to Urban Standard Density Residential (R-5). This rezone is proposed with the condition that if the Conditional Use Permit (PUD) is denied, the denial will prevent the final

1 approval of the Rezone. This rezone is also proposed with the condition that
2 if the two Sexton Mountain Rezones (RZ2000-0002, RZ2000-0003) are
3 denied, the denial will prevent the final approval of the Beard Court Rezone.
4 The Planning Commission will review the rezone request through the
5 RZ2000-0001 application.

6
7 2. **CUP 2000-0001: BEARD COURT CONDITIONAL USE PERMIT**
8 **(PUD):**

9 Request for a Conditional Use Permit approval for a 60-unit Planned Unit
10 Development (PUD) on 10.33 acres of land. The PUD request includes
11 proposed single family homes, sidewalks, streets, open space tracts, and
12 associated landscaping. Proposed access points include two locations on SW
13 155th Avenue, and two locations on SW Beard Road. The Planning
14 Commission will review the preliminary development plan through the
15 CUP2000-0001 application.

16
17 3. **TPP 2000-0001: BEARD COURT TREE PRESERVATION PLAN:**

18 The applicant requests Tree Preservation Plan approval to remove trees within
19 an area identified as a “significant grove” on Beaverton’s Inventory of
20 Significant Trees. The Tree Preservation Plan is proposed with this project to
21 evaluate removal and impact to existing trees as a result of the residential
22 development. The Planning Commission will review the proposal through the
23 TPP2000-0001 application.

24
25 C. **THE SEXTON MOUNTAIN VILLAGE PROJECT:**

26 The following land use applications have been submitted for the development of a
27 grocery store approximately 61,000 square feet in size and approximately 94
28 townhomes at the northwest corner of SW Murray Boulevard and SW Beard
29 Road. The zone change and development proposal is located on property
30 identified by Washington County Assessor’s Map 1S1-29DD on Tax Lots 100
31 and 200, and is currently zoned Urban Standard Residential (R-5).

32
33
34 1. **RZ 2000-0002: THE SEXTON MOUNTAIN VILLAGE PROJECT/**
35 **HAGGEN STORE ZONE CHANGE:**

36 Request for Zone Change approval from R-5 to Community Service (CS) on
37 the northern portion of the Sexton Mountain Village parcels. On this portion
38 of the site, the applicant is proposing the development of a grocery store
39 approximately 61,000 square feet in size, which would be a permitted use
40 within the CS zone. The Planning Commission will review this Zone Change
41 through the RZ2000-0002 application during a public hearing. This Zone
42 Change application will be reviewed in conjunction with RZ2000-0001 Beard
43 Court Rezone, RZ2000-0003 Sexton Village Zone Change, and CUP2000-
44 0003 Sexton Mountain Village CUP (PUD). A condition to the approval of
45 all three Zone Changes and the CUP would be if one application were to be

denied, then the denial of that application would prevent the approval of the other applications.

2. **RZ 2000-0003: THE SEXTON MOUNTAIN VILLAGE PROJECT/ SEXTON PLACE TOWNHOMES ZONE CHANGE:**

Request for Zone Change approval from R-5 to Urban Medium Density (R-2) on the southern portion of the Sexton Mountain Village parcels. On this portion of the parcels, the applicant is proposing the development of approximately 94 residential units, which would be a permitted use within the R-2 zone. The Planning Commission will review this Zone Change though the RZ2000-0003 application during a public hearing. This Zone Change application will be reviewed in conjunction with RZ2000-0001 Beard Court Rezone, RZ2000-0002 Haggen Store Zone Change, and CUP2000-0003 Sexton Mountain Village CUP (PUD). A condition to the approval of all three Zone Changes and the CUP would be if one application were to be denied, then the denial of that application would prevent the approval of the other applications.

3. **CUP 2000-0002: THE SEXTON MOUNTAIN VILLAGE PROJECT/ HAGGEN STORE 24-HOUR OPERATION CONDITIONAL USE PERMIT:**

Request for Conditional Use Permit (CUP) approval to operate the proposed grocery store 24 hours a day. Uses that operate in the CS zone between 10:00 p.m. and 7:00 a.m. require a CUP. The Planning Commission, during a public hearing, will review the hours of operation through the CUP2000-0002 application.

4. **CUP 2000-0003: THE SEXTON MOUNTAIN VILLAGE PROJECT/ SEXTON MOUNTAIN VILLAGE CONDITIONAL USE PERMIT (PUD):**

Request for Conditional Use Permit (CUP) approval for the Sexton Mountain Village Planned Unit Development (PUD). The CUP will review the development of the grocery store and townhomes as one planned development. Additionally, the applicant is requesting the height of a portion of the grocery store to approximately 43 feet, exceeding the 35-feet allowed in the CS zone. The Planning Commission will review this PUD though the CUP2000-0003 application during a public hearing. This CUP application will be reviewed in conjunction with RZ2000-0001 Beard Court Rezone, RZ2000-0002 Haggen Store Zone Change, and RZ2000-0003 Sexton Place Townhomes Zone Change. A condition to the approval of all three Zone Changes and the CUP would be if one application were to be denied, then the denial of that application would prevent the approval of the other applications.

Apologizing for his previous request that Commissioners reserve May 17th, 18th, 24th and 25th, 2000, for these hearings, Chairman Maks observed that because the "Love Bug" had prevented the staff reports from being available in time, this issue must now be continued until May 24, 2000. He requested

1 that Commissioners now be available May 24th, 25th and 31st and June 1st,
2 2000.

3
4 Commissioner Heckman questioned the status of this application regarding
5 the 120-day requirement, and Commissioner Osterberg informed him that
6 staff is working on obtaining the waiver for this additional week.

7
8 Chairman Maks emphasized that these applications must be processed in a
9 timely manner, adding that he intends that all applications be heard
10 concurrently. He pointed out that Haggan Store, Sexton Mountain and Beard
11 Court includes a total of seven applications, and informed Commissioner
12 Heckman that public hearings on all seven will be opened at once. He pointed
13 out that he expects that this substantial issue will result in three to four
14 hundred citizens attending the Public Hearings, adding that 90 to 120 of these
15 individuals will most likely want to testify. Pointing out that this issue is
16 within the guidelines of the 120-day requirement, he stressed that he wants to
17 process the applications as expeditiously as possible.

18
19 Observing that although they are related, all seven items are separate issues,
20 Commissioner Heckman mentioned that it is necessary to vote individually on
21 each application. He expressed his concern with keeping seven issues separate
22 that are heard concurrently. Chairman Maks invited Commissioner Heckman
23 to notify staff of any feasible alternatives, pointing out that this may be even
24 more difficult for the public. He advised that if each of seven applications is
25 heard separately, each individual could testify seven different times, adding
26 that every issue will have to be separate. No rezone can be discussed during a
27 conditional use permit hearing, and no conditional use permit can be discussed
28 during a tree preservation permit hearing. On question, Chairman Maks
29 informed Commissioner Heckman that while all information will be heard
30 from everybody, the actions must be taken separately in a logical order. He
31 observed that the rezones will be voted on first, and if the rezones fail, there
32 will be no point in taking any further action.

33
34 Commissioner Heckman expressed concern with the necessity of making
35 informed decisions in all of these issues individually, and Chairman Maks
36 agreed that while it is not easy, he is unable to find a better way. He pointed
37 out that while this is not an everyday application, it is still governed by the
38 120-day requirement, and as Chairman, he is responsible for making certain
39 that this is done. He expressed his opinion that the best possible service will
40 be provided to the public by hearing everything at once.

41
42 On question, Chairman Maks informed Commissioner Voytilla that he has not
43 personally discussed the situation of opening seven public hearings at one
44 time with the applicant, and Mr. Osterberg mentioned that it is his
45 understanding that the applicant concurs with this procedure.
46

1 On question, Chairman Maks informed Commissioner Voytilla that all these
2 public hearings are scheduled to occur in the Council Chambers and adjoining
3 rooms.

4
5 Commissioner Johansen observed that other applications are scheduled for
6 public hearing on these particular four nights and questioned whether these
7 can be continued to another time in order that these four nights can be
8 dedicated specifically to these seven applications. Chairman Maks assured
9 him that any other applications that are not required to be completed within
10 120 days would be postponed, as necessary.

11
12 Commissioner Bode requested clarification of whether the four evenings will
13 be considered one meeting over a period of four evenings. Chairman Maks
14 pointed out that although four evenings have been scheduled, he hopes that all
15 four nights are not necessary. He mentioned that while it is entirely possible
16 that 90 individuals will testify, he anticipates that organized groups will be
17 scheduled to fill blocks of time for the purpose of eliminating redundant
18 information. He explained that by hearing all seven applications at one time,
19 it is likely that in order to present all applications adequately, the applicant
20 will need an extended period of time. He clarified that in *Dansland*, it is
21 expected that at the first meeting, staff will complete their presentation within
22 a half an hour and the applicant will complete their presentation within an
23 hour and a half, for a total of two hours. He added that at this time, public
24 testimony, hopefully organized groups, would be accepted, noting that this
25 should continue throughout the next two hearings, and that hopefully the
26 rebuttal and decision process could be completed in the third hearing.

27
28 Commissioner Bode questioned a typical length of such a meeting, under the
29 by-laws, and Chairman Maks clarified that he anticipates that these should
30 continue to 11:00 p.m. Commissioner Bode noted that she is in agreement
31 with Chairman Maks planning a possible fourth meeting, adding that she is
32 concerned that the public has ample opportunity to provide their input.

33
34 Commissioner Heckman expressed his opinion that he anticipates that the
35 staff presentation could take up to an hour and a half, rather than the half-hour
36 Chairman Maks mentioned. Chairman Maks agreed that this is possible,
37 adding that he is considering the possibility of allowing for three questions per
38 application, although he does respect Commissioner Heckman's pessimistic
39 nature.

40
41 Commissioner Dunham pointed out that she subscribes to *Dansland*, adding
42 that she is in favor of having the entire process laid out and allowing the
43 public to deal with the entire development at one time.

44
45 Commissioner Johansen compared the situation to democracy, stating that it is
46 the worst idea except for all the rest, adding that he supports this process.

Commissioner Heckman repeated that he understands the dilemma, emphasizing the difficult position of members of the Planning Commission.

Commissioner Johansen suggested the possibility of completing the public hearings and needing some time to absorb all information prior to making a decision at a subsequent meeting. Noting that this was his intent in scheduling the fourth meeting, Chairman Maks observed that staff has been directed to inform the public that because the Planning Commission reads all information they receive, written testimony is greatly appreciated.

Commissioner Voytilla emphasized that it is preferable to receive written information in advance to allow Commissioners adequate time for meaningful review. He expressed concern with being restricted to three questions per application, adding that this could create further difficulties and restrict their ability in making effective decisions in these critical issues.

Chairman Maks observed that while in the past he has limited the amount of questions with staff, not with applicants, he encourages Commissioners to write down any questions and comments and submit them to staff ahead of time, if possible. On question, he informed Commissioner Heckman that he had taken into consideration that only five members of the Planning Commission will be providing input on these applications.

Commissioner Barnard discussed the thought processes leading to this particular point in the application process, expressing his concern that all members of the public feel satisfied that their issues had been adequately presented.

Chairman Maks again reminded Commissioners that these seven applications are scheduled to be heard on May 24th, 25th and 31st, and June 1st, 2000.

Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a motion that RZ 2000-0001 – Beard Court Rezone be continued to a date certain of May 24, 2000.

Motion **CARRIED** unanimously.

Commissioner Bode **MOVED** and Commissioner Heckman **SECONDED** a motion that CUP 2000-0001 – Beard Court Conditional Use Permit (PUD) be continued to a date certain of May 24, 2000.

Motion **CARRIED** unanimously.

1 Commissioner Voytilla **MOVED** and Commissioner Bode **SECONDED** a
2 motion that TPP 2000-0001 – Beard Court Tree Preservation Plan be
3 continued to a date certain of May 24, 2000.

4
5 Motion **CARRIED** unanimously.

6
7 Commissioner Johansen **MOVED** and Commissioner Dunham **SECONDED**
8 a motion that RZ 2000-0002 – The Sexton Mountain Village Project/Haggen
9 Store Zone Change be continued to a date certain of May 24, 2000.

10
11 Motion **CARRIED** unanimously.

12
13 Commissioner Barnard **MOVED** and Commissioner Heckman **SECONDED**
14 a motion that RZ 2000-0003 – The Sexton Mountain Village Project/Sexton
15 Place Townhomes Zone Change be continued to a date certain of May 24,
16 2000.

17
18 Motion **CARRIED** unanimously.

19
20 Commissioner Dunham **MOVED** and Commissioner Barnard **SECONDED** a
21 motion that CUP 2000-0002 – The Sexton Mountain Village Project/Haggen
22 Store 24-Hour Operation Conditional Use Permit be continued to a date
23 certain of May 24, 2000.

24
25 Motion **CARRIED** unanimously.

26
27 Commissioner Heckman **MOVED** and Commissioner Johansen **SECONDED**
28 a motion that CUP 2000-0003 – The Sexton Mountain Village Project/Sexton
29 Mountain Village Conditional Use Permit (PUD) be continued to a date
30 certain of May 24, 2000.

31
32 Motion **CARRIED** unanimously.

33
34 Chairman Maks suggested the possibility of considering meeting at 6:30 p.m.,
35 rather than 7:00 p.m., if these public hearings are continued beyond May 24,
36 2000.

37
38 Commissioner Heckman suggested the possibility of ending these public
39 hearings by 10:30 p.m., and Chairman Maks informed him that he had
40 considered extending these public hearings until midnight. Commissioner
41 Heckman informed him that this may result in one less member after 10:30
42 p.m., and Chairman Maks suggested that if he leaves early, it might be
43 advisable to listen to the remainder of the tape prior to the next hearing.

44
45 **APPROVAL OF MINUTES:**
46

Minutes of the meeting/work session of April 19, 2000, as written, submitted. Chairman Maks asked if there were any salient additions, corrections or modifications. Commissioner Johansen referred to page 3, lines 42 and 43, and requested that this sentence be amended, as follows: "The applicant proposes a building size of approximately 109,300 square feet ~~within~~ **with** a 14,700 square foot garden center." Commissioner Heckman requested that the calendar at the end of the minutes be included on a separate sheet. Commissioner Dunham referred to page 6, line 13, requesting that it be amended, as follows: "...Commissioner Dunham observed that a disqualified Commissioner ~~should~~ **could** sit in the audience." Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a motion that the minutes be approved, as amended.

Motion **CARRIED**, unanimously.

Minutes of the meeting of April 26, 2000, as written, submitted. Chairman Maks observed that because there was no quorum and no meeting, no action could be taken, and agenda items were automatically continued to the following week, there should be no official minutes.

Chairman Maks expressed approval of the thoroughness of the minutes, adding that the public had been requesting more detail for a long time.

MISCELLANEOUS BUSINESS:

On question, Mr. Osterberg assured Chairman Maks that technical staff had successfully eliminated the "Love Bug" from the City's computer system.

The meeting adjourned at 7:47 p.m.

CALENDAR:

1					
2	May	24	7:00 p.m.	Public Hearing	CUP 2000-0003 SEXTON MTN VILLAGE PUD
3				Public Hearing	CUP 2000-0001 BEARD COURT CUP
4				Public Hearing	TPP 2000-0001 BEARD COURT TPP
5				Public Hearing	RZ 2000-0001 BEARD COURT REZONE
6				Public Hearing	RZ 2000-0002 SEXTON MT VILLAGE/ HAGGEN'S STORE
7					
8				Public Hearing	RZ 2000-0003 SEXTON PLACE TOWNHOMES
9				Public Hearing	CUP 2000-0002 HAGGEN'S STORE 24-HOUR OPERATION
10					
11				Public Hearing	SV 2000-0001 SW 166 TH AVENUE STREET VACATION
12					
13				Public Hearing	RZ 99-00020 CORNELL ROAD REZONE
14				Public Hearing	CPA 99-00005 LOCAL WETLAND INVENTORY
15					CPA 99-00006
16		25	7:00 p.m.	Public Hearing	CUP 2000-0003 SEXTON MTN VILLAGE PUD
17				Public Hearing	CUP 2000-0001 BEARD COURT CUP
18				Public Hearing	TPP 2000-0001 BEARD COURT TPP
19				Public Hearing	RZ 2000-0001 BEARD COURT REZONE
20				Public Hearing	RZ 2000-0002 SEXTON MT VILLAGE/ HAGGEN'S STORE
21					
22				Public Hearing	RZ 2000-0003 SEXTON PLACE TOWNHOMES
23				Public Hearing	CUP 2000-0002 HAGGEN'S STORE 24-HOUR OPERATION
24					
25		31	7:00 p.m.	Public Hearing	CPA 99-00025 COMPREHENSIVE LAND USE
26				Public Hearing	CUP 2000-0003 SEXTON MTN VILLAGE PUD
27				Public Hearing	CUP 2000-0001 BEARD COURT CUP
28				Public Hearing	TPP 2000-0001 BEARD COURT TPP
29				Public Hearing	RZ 2000-0001 BEARD COURT REZONE
30				Public Hearing	RZ 2000-0002 SEXTON MT VILLAGE/ HAGGEN'S STORE
31					
32				Public Hearing	RZ 2000-0003 SEXTON PLACE TOWNHOMES
33				Public Hearing	CUP 2000-0002 HAGGEN'S STORE 24-HOUR OPERATION
34					
35					
36	June	7	7:00 p.m.	Public Hearing	TPP 99-00008 WATERHOUSE 5 SUBDIVISION TREE PRESERVATION PLAN (Cont. from May 3, 2000)
37					
38					
39				Public Hearing	CUP 2000-0003 SEXTON MTN VILLAGE PUD
40				Public Hearing	CUP 2000-0001 BEARD COURT CUP
41				Public Hearing	TPP 2000-0001 BEARD COURT TPP
42				Public Hearing	RZ 2000-0001 BEARD COURT REZONE
43				Public Hearing	RZ 2000-0002 SEXTON MT VILLAGE/ HAGGEN'S STORE
44					
45				Public Hearing	RZ 2000-0003 SEXTON PLACE TOWNHOMES
46				Public Hearing	CUP 2000-0002 HAGGEN'S STORE 24-HOUR OPERATION
47					
48					
49		14	7:00 p.m.	Public Hearing	TA 2000-0004 TITLE 4 IMPLEMENTATION TEXT AMENDMENT (cont. from April 12, 2000)
50					
51					
52		21	7:00 P.M.	Public Hearing	CPA 98-00011 ANNEXATION POLICY (Cont. from May 3, 2000)
53					
54					
55	July	12	7:00 p.m.	Public Hearing	CUP 99-00032 HOME DEPOT (cont. from April 19, 2000)
56					